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Commonwealth of Massachusetts.

BRISTOL, SS SUPERIOR COURT
FILED

Bristol SS.

JUL 12 2021

Civil Action.

no. 2173CV00501C

MARC J SANTOS, ESQ.
CLERK/MAGISTRATE

New Bedford Superior Court.

Complaint Civil Action.

Andy Cookley.

Plaintiff.

1A) Sargent Norman Duchesneau; New Bedford Police Department; Officer.

1B) Officer Steven Alens; New Bedford Police Department; Officer.
Defendants.

I

Jurisdiction & Venue.

- 1.) This action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law of Rights Secured by the Constitution of the United States. The Court has Jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3). Plaintiff seeks declaratory relief Pursuant to 28 U.S.C Section 2201 and 2202.
- 2.) The District Court of the Superior Division Civil is the appropriate Venue under U.S.C § 28 Section 1391 (b)(2) it is where the events giving rise to this claim occurred. The Courthouse is located at; 441 County St, New Bedford Massachusetts, 02740.

II Plaintiff

3. Plaintiff Andy Cockley is and was at times a Prisoner as mentioned herein at The State Facility MASSACHUSETTS CORRECTIONAL INSTITUTE NORFOLK (Hereafter M.C.I., Norfolk). He is currently confined at the above.

III

4. Defendants. (1.A) SARGENT NORMAN DUCHESNEAU of The New Bedford Police Department, is Police Officer for New Bedford Police Department Bristol County.
5. Defendant. (2.B) Officer Steven Alens of The New Bedford Police Department, is a Police Officer for The New Bedford Police Department Bristol County.
6. Each Defendant is Sued individually and in his official Capacity, at all times mentioned in This Complaint each defendant acted under the Color of State law.

IV Facts.

7. On or about September, 01, 2018, the Plaintiff was arrested and transported to New Bedford Police Headquarters by the arresting officer Steven Alens, New Bedford Police (Hereafter N.P.D New Bedford Police Department). I was handcuffed to the wall by a O Ring attached to the wall awaiting the Booking Process. I was uncuffed and proceeded with the Booking Process.

IV FACTS.

7. During the Booking process which was administered by Defendant Sargent Norman Duchesneau I was Referred to as "one of them from Boston" and a "Fucking monkey", as I responded to The above Defendant Sargent Norman Duchesneau stated to officer Steven Alers to "get him the Fuck out of here". I was Removed From The Booking process without Completion and Marched to be recuffed to The wall. Officer Sargent Norman Duchesneau (hereafter Duchesneau) came over from The booking area stating "hold him I'll cuff him," while officer Steven Alers (hereafter Alers) held my arm in an Unnatural Position with excessive force, Duchesneau applied the handcuffs with such force as to cause injuries requiring Emergency medical care The same applies to Alers with respect to my arm; Both Defendants use of force was malicious and Sadistical resulting in harm Pain and Continued Suffering Unreasonably leading to the destabilization of my mental Health.

VI Exhaustion & Legal Remedies.

8. The Plaintiff sent letters for Redress to Attorney General Maura T. Healey One Ashburton Place Boston, MASSACHUSETTS and County Commissioners, 9 Court Street, Taunton, MASSACHUSETTS. Certified mail with no response.

Vii Legal Claims.

9. Plaintiff realleges and incorporate by reference Paragraphs 1-8.
10. The Unreasonable use of force used on the Plaintiff in a malicious and Sadistic manner excessively by Defendants violated the Plaintiff's Civil and Constitutional Rights.
11. The Plaintiff has no plain, adequate & complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be in pain and suffer from mental anguish caused by the injuries sustained from the actions of the defendants. The Plaintiff seeks declaratory Court relief.

Viii Prayer For Relief.

Wherefore, Plaintiff respectfully Prays that this Court enter Judgement granting the Plaintiff.

12. A declaration that the acts and omissions described herein violated Plaintiff's rights under the Constitution and laws of the United States.
13. Compensatory damages in the amount of \$35,000 United States Dollars on each defendant.

14. Punitive damages in the amount of \$50,000 United States Dollars.
15. A Jury Trial on all issues triable by Jury.
16. Plaintiff's Cost in this Suit.
17. Any additional relief this Court deems Just and Proper in Equitable.

Verification.

I have read the foregoing Complaint and hereby verify that the matters therein are true except as to matters alleged on information and belief, and as to those I believe them to be true; I certify under Penalty of Perjury that the foregoing is true and correct.

Executed at M.C.J. Norfolk 2 Clark Street Norfolk Massachusetts.
02056. on June, 22 2021.

Dated: June 22, 2021

Anthony G. Baker Pro. Sec.